

Douglas E. Klein, Esq. (SBN119924)
Madgett & Klein, APLC
9701 Wilshire Blvd; Suite 1000
Beverly Hills, California 90212
Tel: (310) 625-9773
Email: dek36@hotmail.com
Attorney for Respondents RICHARD KAHN and
FORENSIC PROFESSIONALS GROUP USA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

YOULIN WANG, an individual,

Petitioner,

vs.

RICHARD KAHN, AN
INDIVIDUAL; AND FORENSIC
PROFESSIONALS GROUP USA,
INC., A FLORIDA ; and DEREK
LONGSTAFF, an individual,

Respondents.

CASE NO. 5:20-cv-08033-LHK

**ANSWER TO PETITION TO
ENJOIN ARBITRATION**

Judge: Beth Labson Freeman

Courtroom : 3

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

ANSWER OF RESPONDENTS RICHARD KAHN AND FORENSIC
PROFESSIONALS GROUP USA, (“Respondents”) TO PETITION AS FOLLOWS:

Respondents Richard Kahn and Forensic Professionals Group USA, Inc.
 (“Respondents”) respond to the petition as follows:

ANSWER

PRELIMINARY STATEMENT

1. Answering Paragraph 1 of the Petitioner’s Petition, the Respondents denies the allegations thereof
2. Answering Paragraph 2 of the Petitioner’s Petition, the Respondents denies the allegations thereof.
3. Answering Paragraph 3, the Respondents deny that the “Kahn Respondents did not serve Wang with their original pleadings initiating the Arbitration. (Para. 3, lines 24-25). With respect to the remaining allegations of Para. 3, (25-28, p.2, lines 1-2), the Respondents lacks information sufficient to enable it to predicate a response thereto.
4. Answering Paragraph 4 of the Petitioner’s Petition, the Respondents deny the allegations thereof.
5. Answering Paragraph 5 of the Petitioner’s Petition, the Respondents lacks information sufficient to enable it to predicate a response thereto, and on this basis, denies said allegations.

PARTIES

6. Answering Paragraph 6 of the Petitioner’s Petition, the Respondents lacks information sufficient to enable it to predicate a response thereto, and on this basis, denies said allegations.

1 7. Answering Paragraph 7 of the Petitioner's Petition, the Respondents lacks
2 information sufficient to enable it to predicate a response thereto, and on this
3 basis, denies said allegations.
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5 8. Answering Paragraph 8 of the Petitioner's Petition, the Respondents lacks
6 information sufficient to enable it to predicate a response thereto, and on this
7 basis, denies said allegations.
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10 **JURISDICTION**
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12 9. Answering Paragraph 9 of the Petitioner's Petition, the Respondents deny the
13 allegations thereof.
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15 10. Answering Paragraph 10 of the Petitioner's Petition, the Respondents lacks
16 information sufficient to enable it to predicate a response thereto, and on this
17 basis, denies said allegations.
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19 11. Answering Paragraph 11 of the Petitioner's Petition, the Respondents deny the
20 allegations thereof.
21

22 **VENUE**
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24 12. Answering Paragraph 12 of the Petitioner's Petition, the Respondents deny the
25 allegations thereof.
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27 **INTRADISTRICT ASSIGNMENT**
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1 13. Answering Paragraph 13 of the Petitioner's Petition, the Respondents lacks
2 information sufficient to enable it to predicate a response thereto, and on this
3 basis, denies said allegations.
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5 **BACKGROUND**

6 **A. Background**

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8 14. Answering Paragraph A1 of the Petitioner's Petition, the Respondents lacks
9 information sufficient to enable it to predicate a response thereto, and on this
10 basis, denies said allegations.
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12 15. Answering Paragraph A2 of the Petitioner's Petition, the Respondents lacks
13 information sufficient to enable it to predicate a response thereto, and on this
14 basis, denies said allegations.
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16 16. Answering Paragraph A3 of the Petitioner's Petition, the Respondents lacks
17 information sufficient to enable it to predicate a response thereto, and on this
18 basis, denies said allegations.
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20 17. Answering Paragraph A4 of the Petitioner's Petition, the Respondents lacks
21 information sufficient to enable it to predicate a response thereto, and on this
22 basis, denies said allegations.
23

24 18. Answering Paragraph A5 of the Petitioner's Petition, the Respondents lacks
25 information sufficient to enable it to predicate a response thereto, and on this
26 basis, denies said allegations.
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1 19. Answering Paragraph A6 of the Petitioner's Petition, the Respondents lacks
2 information sufficient to enable it to predicate a response thereto, and on this
3 basis, denies said allegations.
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5 20. Answering Paragraph A7 of the Petitioner's Petition, the Respondents lacks
6 information sufficient to enable it to predicate a response thereto, and on this
7 basis, denies said allegations.
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9 21. Answering Paragraph A8 of the Petitioner's Petition, the Respondents lacks
10 information sufficient to enable it to predicate a response thereto, and on this
11 basis, denies said allegations.
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13 22. Answering Paragraph A9 of the Petitioner's Petition, the Respondents lacks
14 information sufficient to enable it to predicate a response thereto, and on this
15 basis, denies said allegations.
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17 23. Answering Paragraph A10 of the Petitioner's Petition, the Respondents lacks
18 information sufficient to enable it to predicate a response thereto, and on this
19 basis, denies said allegations.
20

21 24. Answering Paragraph A11 of the Petitioner's Petition, the Respondents lacks
22 information sufficient to enable it to predicate a response thereto, and on this
23 basis, denies said allegations.
24

25 **B. Longstaff and The Kahn Respondents Enter Into The Forged**
26 **Agreements**
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1 25. Answering Paragraph B 12 of the Petitioner's Petition, the Respondents lacks
2 information sufficient to enable it to predicate a response thereto, and on this
3 basis, denies said allegations.
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5 26. Answering Paragraph B 13 of the Petitioner's Petition, the Respondents lacks
6 information sufficient to enable it to predicate a response thereto, and on this
7 basis, denies said allegations.
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9 27. Answering Paragraph B 14 of the Petitioner's Petition, the Respondents lacks
10 information sufficient to enable it to predicate a response thereto, and on this
11 basis, denies said allegations.
12

13 28. Answering Paragraph B 15 of the Petitioner's Petition, the Respondents deny the
14 allegations thereof.
15

16 29. Answering Paragraph B 16 of the Petitioner's Petition, the Respondents lacks
17 information sufficient to enable it to predicate a response thereto, and on this
18 basis, denies said allegations.
19

20 30. Answering Paragraph B 17 of the Petitioner's Petition, the Respondents deny the
21 allegations thereof.
22

23 31. Answering Paragraph B 18 of the Petitioner's Petition, the Respondents lacks
24 information sufficient to enable it to predicate a response thereto, and on this
25 basis, denies said allegations.
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1 32. Answering Paragraph B19 of the Petitioner's Petition, the Respondents lacks
2 information sufficient to enable it to predicate a response thereto, and on this
3 basis, denies said allegations.
4

5 33. Answering Paragraph B20 of the Petitioner's Petition, the Respondents lacks
6 information sufficient to enable it to predicate a response thereto, and on this
7 basis, denies said allegations.
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9 34. Answering Paragraph B21 of the Petitioner's Petition, the Respondents lacks
10 information sufficient to enable it to predicate a response thereto, and on this
11 basis, denies said allegations.
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13 35. Answering Paragraph B22 of the Petitioner's Petition, the Respondents lacks
14 information sufficient to enable it to predicate a response thereto, and on this
15 basis, denies said allegations.
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19 **C. Respondents Continue To Defraud Wang Through The Arbitration**

20 36. Answering Paragraph C23 of the Petitioner's Petition, the Respondents lacks
21 information sufficient to enable it to predicate a response thereto, and on this
22 basis, denies said allegations.
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24 37. Answering Paragraph C24 of the Petitioner's Petition, the Respondents admit the
25 allegations thereof.
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27 38. Answering Paragraph C25 of the Petitioner's Petition, the Respondents admit the
28 allegations thereof.

1 39. Answering Paragraph C26 of the Petitioner's Petition, the Respondents deny the
2 allegations thereof.

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4 40. Answering Paragraph C27 of the Petitioner's Petition, the Respondents deny the
5 allegations thereof.

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7 41. Answering Paragraph C28 of the Petitioner's Petition, the Respondents deny the
8 allegations thereof.

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10 42. Answering Paragraph C29 of the Petitioner's Petition, the Respondents admit the
11 allegations thereof.

12 43. Answering Paragraph C30 of the Petitioner's Petition, the Respondents lacks
13 information sufficient to enable it to predicate a response thereto, and on this
14 basis, denies said allegations.

15
16 44. Answering Paragraph C31 of the Petitioner's Petition, the Respondents lacks
17 information sufficient to enable it to predicate a response thereto, and on this
18 basis, denies said allegations.

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20 45. Answering Paragraph C32 of the Petitioner's Petition, the Respondents lacks
21 information sufficient to enable it to predicate a response thereto, and on this
22 basis, denies said allegations.

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24 46. Answering Paragraph C33 of the Petitioner's Petition, the Respondents lacks
25 information sufficient to enable it to predicate a response thereto, and on this
26 basis, denies said allegations.

1 47. Answering Paragraph C34 of the Petitioner's Petition, the Respondents lacks
2 information sufficient to enable it to predicate a response thereto, and on this
3 basis, denies said allegations.
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5 48. Answering Paragraph C35 of the Petitioner's Petition, the Respondents lacks
6 information sufficient to enable it to predicate a response thereto, and on this
7 basis, denies said allegations.
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9 49. Answering Paragraph C36 of the Petitioner's Petition, the Respondents lacks
10 information sufficient to enable it to predicate a response thereto, and on this
11 basis, denies said allegations.
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15 **FIRST COUNT**

16 **(Against the Kahn Respondents)**

17 **(Permanent Injunction Under 9 U.S.C. Sec. 206)**
18

19 50. Answering Paragraph 37 of the Petitioner's petition, the allegations are mere
20 legal conclusions and argument rather than factual allegations; as such, the
21 Respondents are not obliged respond thereto.
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23 51. Answering Paragraph 38 of the Petitioner's petition, the allegations are mere
24 legal conclusions and argument rather than factual allegations; as such, the
25 Respondents are not obliged respond thereto.
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1 52. Answering Paragraph 39 of the Petitioner's petition, the allegations are mere
2 legal conclusions and argument rather than factual allegations; as such, the
3 Respondents are not obliged respond thereto.
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5 53. Answering Paragraph 40 of the Petitioner's petition, the allegations are mere
6 legal conclusions and argument rather than factual allegations; as such, the
7 Respondents are not obliged respond thereto.
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9 54. Answering Paragraph 41 of the Petitioner's petition, the allegations are mere
10 legal conclusions and argument rather than factual allegations; as such, the
11 Respondents are not obliged respond thereto.
12

13 55. Answering Paragraph 42 of the Petitioner's petition, the allegations are mere
14 legal conclusions and argument rather than factual allegations; as such, the
15 Respondents are not obliged respond thereto.
16

17 56. Answering Paragraph 43 of the Petitioner's petition, the allegations are mere
18 legal conclusions and argument rather than factual allegations; as such, the
19 Respondents are not obliged respond thereto.
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21 57. Answering Paragraph C44 of the Petitioner's Petition, the Respondents lacks
22 information sufficient to enable it to predicate a response thereto, and on this
23 basis, denies said allegations.
24

25 **SECOND COUNT**

26 **(Against the Kahn Respondents)**

27 **Permanent Injunction Pursuant to 9 U.S.C. Sec.206)**

1 58. Answering Paragraph 45 of the Petitioner's Petition, the allegations are mere legal
2 conclusions and argument rather than factual allegations; as such, the Respondents
3 are not obliged to respond thereto.
4

5 59. Answering Paragraph 46 of the Petitioner's Petition, the allegations are mere
6 legal conclusions and argument rather than factual allegations; as such, the
7 Respondents are not obliged to respond thereto.
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9 60. Answering Paragraph 47 of the Petitioner's Petition, the allegations are mere legal
10 conclusions and argument rather than factual allegations; as such, the Respondents
11 are not obliged to respond thereto.
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13 61. Answering Paragraph 48 of the Petitioner's Petition, the allegations are mere legal
14 conclusions and argument rather than factual allegations; as such, the Respondents
15 are not obliged to respond thereto.
16

17 62. Answering Paragraph 49 of the Petitioner's Petition, the allegations are mere legal
18 conclusions and argument rather than factual allegations; as such, the Respondents
19 are not obliged to respond thereto.
20

21 63. Answering Paragraph 50 of the Petitioner's Petition, the Petitioners admit that
22 "Wang is a citizen of China" (*See Para. 50, 10:15*). With respect to the remaining
23 allegations set forth in the Petitioner's Petition, the allegations are mere legal
24 conclusions and argument rather than factual allegations; as such, the Respondents
25 are not obliged to respond thereto.
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1 64. Answering Paragraph 51 of the Petitioner's Petition, the allegations are mere
2 legal conclusions and argument rather than factual allegations; as such, the
3 Respondents are not obliged to respond thereto.
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5 65. Answering Paragraph 52 of the Petitioner's Petition, the allegations are mere
6 legal conclusions and argument rather than factual allegations; as such, the
7 Respondents are not obliged to respond thereto.
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9 66. Answering Paragraph 53 of the Petitioner's Petition, the allegations are mere legal
10 conclusions and argument rather than factual allegations; as such, the Respondents
11 are not obliged to respond thereto.
12

13 67. Answering Paragraph 54 of the Petitioner's Petition, the allegations are mere
14 legal conclusions and argument rather than factual allegations; as such, the
15 Respondents are not obliged to respond thereto.
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17 68. Answering Paragraph 55 of the Petitioner's Petition, the allegations are mere legal
18 conclusions and argument rather than factual allegations; as such, the Respondents
19 are not obliged to respond thereto.
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21 69. Answering Paragraph 56 of the Petitioner's Petition, the Respondents lacks
22 information sufficient to enable it to predicate a response thereto, and on this
23 basis, denies said allegations.
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27 **THIRD COUNT**

28 **(Against Longstaff)**

1 70. Answering Paragraph 57 of the Petitioner's Petition, the allegations are mere
2 legal conclusions and argument rather than factual allegations; as such, the
3 Respondents are not obliged to respond thereto.
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5 71. Answering Paragraph 58 of the Petitioner's Petition, the Respondents lacks
6 information sufficient to enable it to predicate a response thereto, and on this
7 basis, denies said allegations.
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9 72. Answering Paragraph 59 of the Petitioner's Petition, the allegations are mere
10 legal conclusions and argument rather than factual allegations; as such, the
11 Respondents are not obliged to respond thereto.
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13 73. Answering Paragraph 60 of the Petitioner's Petition, the Respondents lacks
14 information sufficient to enable it to predicate a response thereto, and on this
15 basis, denies said allegations.
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17 74. Answering Paragraph 61 of the Petitioner's Petition, the Respondents lacks
18 information sufficient to enable it to predicate a response thereto, and on this
19 basis, denies said allegations.
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21 75. Answering Paragraph 62 of the Petitioner's Petition, the allegations are mere
22 legal conclusions and argument rather than factual allegations; as such, the
23 Respondents are not obliged to respond thereto.
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25 76. Answering Paragraph 63 of the Petitioner's Petition, the Petitioners admit that
26 "Wang is a citizen of China" (*See Para. 63, 3:4*). With respect to the remaining
27 allegations set forth in the Petitioner's Petition, the allegations are mere legal
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1 conclusions and argument rather than factual allegations; as such, the Respondents
2 are not obliged to respond thereto.
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4 77. Answering Paragraph 64 of the Petitioner's Petition, the allegations are mere
5 legal conclusions and argument rather than factual allegations; as such, the
6 Respondents are not obliged to respond thereto.
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8 78. Answering Paragraph 65 of the Petitioner's Petition, the allegations are mere
9 legal conclusions and argument rather than factual allegations; as such, the
10 Respondents are not obliged to respond thereto.
11

12 79. Answering Paragraph 66 of the Petitioner's Petition, the allegations are mere legal
13 conclusions and argument rather than factual allegations; as such, the Respondents
14 are not obliged to respond thereto.
15

16 80. Answering Paragraph 67 of the Petitioner's Petition, the allegations are mere legal
17 conclusions and argument rather than factual allegations; as such, the Respondents
18 are not obliged to respond thereto.
19

20 81. Answering Paragraph 68 of the Petitioner's Petition, the allegations are mere legal
21 conclusions and argument rather than factual allegations; as such, the Respondents
22 are not obliged to respond thereto.
23

24 82. Answering Paragraph 69 of the Petitioner's Petition, the Respondents lacks
25 information sufficient to enable it to predicate a response thereto, and on this
26 basis, denies said allegations.
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AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

83. The Petitioner fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

84. The Petitioner claims are barred by the Federal Arbitration Act.

THIRD AFFIRMATIVE DEFENSE

85. The Petitioner's claims are barred by the provisions of the Arbitration agreement.

FOURTH AFFIRMATIVE DEFENSE

86. The Petitioner's claims are barred by the Noerr-Pennington Doctrine.

FIFTH AFFIRMATIVE DEFENSE

87. The Petition and each purported claim for relief therein is barred by the doctrine of unclean hands.

SIXTH AFFIRMATIVE DEFENSE

88. The Petition and each purported claim for relief therein is barred by the doctrine of estoppel.

SEVENTH AFFIRMATIVE DEFENSE

89. The Petition and each purported claim for relief therein is barred by the doctrine of waiver.

EIGHTH AFFIRMATIVE DEFENSE

90. The Petition and each purported claim for relief therein is barred by the doctrine of laches.

NINTH AFFIRMATIVE DEFENSE

91. Each and every act by the Respondents was privileged.

TENTH AFFIRMATIVE DEFENSE

92. The Petitioner failed to exercise due care under the circumstances and such failure constituted negligence on his part so as to either partially or totally reduce any recovery by the Petitioner.

ELEVENTH AFFIRMATIVE DEFENSE

93. The Petition and each purported claim for relief is barred by the anti-SLAPP statute, as set forth in California Code of Civil Procedure, Section 425.16, *et. seq.*

TWELFTH AFFIRMATIVE DEFENSE

94. The Petitioner's claims are barred, in whole or in part, because they cannot show that they have suffered any damages of any kind, that were caused by the Respondents' actions.

THIRTEENTH AFFIRMATIVE DEFENSE

95. The Petitioner's claims are barred, in whole or in part, because Petitioner expressly, ostensibly and/or implicitly authorized or ratified the transactions and/or acts and/or omissions at issue.

FOURTEENTH AFFIRMATIVE DEFENSE

96. The Petitioner by his knowledge, statements, and/or conduct, have consented and/or acquiesced to the alleged acts and/or omissions of the Respondents as described herein.

FIFTEENTH AFFIRMATIVE DEFENSE

97. The Respondents acted reasonably and in good faith .

SIXTEENTH AFFIRMATIVE DEFENSE

98. The Petitioner has failed to mitigate damages, if any.

SEVENTEENTH AFFIRMATIVE DEFENSE

99. The Petitioner's claims are barred in whole or in part because Respondents have committed no act or omission causing damage to the Petitioner.

EIGHTEENTH AFFIRMATIVE DEFENSE

100. The Petitioners have suffered no cognizable damages.

NINETEENTH AFFIRMATIVE DEFENSE

101. Any alleged damages or injuries suffered by the Petitioner, if any, results from his own conduct, actions and/or omissions.

TWENTIETH AFFIRMATIVE DEFENSE

102. The Petitioner's claims are barred in whole or in part because the Petitioners would be unjustly enriched if allowed to obtain relief on the Petition.

TWENTY-FIRST AFFIRMATIVE DEFENSE

103. The Respondents state that presently there is insufficient knowledge or information on which to form a belief as to whether additional, as yet unstated affirmative defenses are necessary. The Respondents reserve the right to file an amended answer asserting additional defenses. The Respondents also reserve the

1 right to file a counterclaim or other manner of pleading in the event that discovery
2 indicates either is appropriate.
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5 **PRAYER FOR RELIEF**

6 WHEREFORE, the Respondents pray for entry of judgment as follows:
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- 8 1. That the Petitioner takes nothing by way of the Petition
9 2. That the certain Petition be dismissed with prejudice;
10 3. For reasonable attorneys fees to the extent permitted by law;
11 4. For costs of suit; and,
12 5. For such other and further relief as the Court may deem proper.
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19 DATED: June 10, 2022

MADGETT & KLEIN, APLC

20 By: /s/ Douglas E. Klein_____

21 DOUGLAS E. KLEIN

22
23 Attorneys for Respondents,
24 Richard Kahn and Forensic
25 Professionals Group, USA, Inc.
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of June 2022, I served a copy of the foregoing Respondents Answer to Petition to Enjoin Arbitration via the court's ECF system on all counsel of record.

/s/ Douglas E. Klein_____

Douglas E. Klein

/s/ Douglas E.
Klein_____

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